



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/777,354	02/11/2004	Thomas Roy Prohofskey	ADAPP256	5062
25920 7590 02/09/2009 MARTINE PENILLA & GENCARELLA, LLP 710 LAKEWAY DRIVE SUITE 200 SUNNYVALE, CA 94085				
EXAMINER				
LAZARO, DAVID R				
ART UNIT		PAPER NUMBER		
2455				
MAIL DATE		DELIVERY MODE		
02/09/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary**Application No.**

10/777,354

Applicant(s)

PROHOFSKY, THOMAS ROY

Examiner

DAVID LAZARO

Art Unit

2455

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 November 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 6-15 and 17-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-15 and 17-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S508)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This office action is in response to the amendment filed 11/18/08.
2. Claims 1, 9, 10, 15 were amended.
3. Claims 5 and 16 are canceled.
4. Claims 1-4, 6-15 and 17-20 are pending in this office action.

Response to Amendment

5. Applicant's arguments filed 11/18/08 have been fully considered but they are not persuasive. See Response to Arguments.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 1-4 and 6-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
8. Claim 1 includes the following limitations:

"initializing a program on a file server through administrator action to activate the program, the program being capable of creating an account without further administrator action;"

and

Art Unit: 2455

"requesting the account from a requestor on a client, the requestor being activated through administrator action and capable of bypassing communication to an administrator;"

9. The first limitation describes administrator action to initialize a program on a file server and subsequently the program can create an account without further administrator action. However, the second limitation requires further administrator action to allow the request to request an account. As the request is required to create the account, and the request requires administrator action, it seems these two limitations are conflicting in relation to "without further administrator action". Therefore, applicant has not distinctly claimed the subject matter that they regard as the invention. This also applies to the dependent claims of claim 1.

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 9-12, 15 and 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,930,801 by Falkenhaimer et al. (Falkenhaimer) in view of U.S. Patent 6,157,953 by Chang et al. (Chang), U.S. Patent 5,708,780

Art Unit: 2455

by Levergood et al. (Levergood) and U.S. Patent Application Publication 2002/0194326 by Gold et al. (Gold).

12. With respect to claim 9, Falkenhaimer teaches a method for account creation without administrator intervention, comprising:

initializing a program (Col. 3 lines 13-17 and Col. 11 lines 40-51: command utility program has been initialized on the server), the program being capable of monitoring a network connection for an account request and capable of creating an account without further administrator action (Col. 8 line 50 - Col. 9 line 13 and Col. 14 lines 1-23: account can be created without administrator intervention);

receiving the account request from a software agent (Col. 3 lines 5-20, Col. 8 line 50 - Col 9 line 13 and Col. 14 lines 1-23).and authenticating an account identifier for a new account (Col. 8 line 50 - Col. 9 line 13: account created according to security considerations and permissions); and

processing the account request by creating a location in a structure managed by an operating system for maintaining accounts (Col. 8 line 50 - Col. 9 line 13 and Col. 14 lines 1-23: account creates object in a database all managed by command utility program).

While it is generally implied that an administrator is responsible for initializing network services (Col. 1 lines 20-56), Falkenhaimer does not explicitly disclose initializing the program through administrator action to activate the program. Chang teaches that it is known that administrators are typically

Art Unit: 2455

responsible for activating and managing services in a network server environment (Col. 1 lines 14-34).

It would have been obvious to one of ordinary skill in the art to have administrator action, such as taught by Chang, activate the program of Falkenhaimer. Using the known technique of administrator action for activating services to provide the program activation required in Falkenhaimer would have been obvious to one of ordinary skill in the art.

Falkenhaimer does not explicitly disclose the processing the request further includes checking for mode enablement to determine if the requestor has permission to request the account and checking for an account limitation to determine if a maximum number of accounts created has been reached. Levergood teaches a process for improving access control in relation to account creation which includes determining if a requestor has permission to create an account (In Levergood: Col. 6 line 58 - Col. 7 line 14). Gold teaches a process for capacity management in relation to user accounts that determines if a maximum number of accounts have been created (In Gold [0050]).

Thus, it would have been obvious to one of ordinary skill in the art to apply the techniques of account creation permissions and determining if a maximum number of accounts has been reached as taught in Levergood and Gold respectively, to improve upon the account creation system of Falkenhaimer for the predictable result of providing additional access control and capacity management of system resources.

Art Unit: 2455

13. With respect to claim 10, Falkenhaimer teaches a system for creating an account without an administrator action, comprising:

a requestor operating on a client, the client being coupled to a connector, wherein the requestor is capable of requesting the account (Col. 8 line 50 - Col. 9 line 22: user can request to create an account, i.e. register) ;

a network attached storage (NAS) device coupled to the connector, the NAS device being capable of storing the account (Col. 3 lines 5-20, Col. 8 line 50 - Col 9 line 13 and Fig. 1); and

a program capable of continuous operation on a file server (In Falkenhaimer: Col. 8 line 50 - Col. 9 line 13 and Col. 14 lines 1-23: command utility is operating continuously to handle user commands), the file server being coupled to the connector, wherein the program is capable of monitoring a connection point for a request to create the account and subsequently creating the account without further administrator action (Col. 8 line 50 - Col. 9 line 13 and Col. 14 lines 1-23: account can be created without administrator intervention).

While it is generally implied that an administrator is responsible for initializing network services (Col. 1 lines 20-56), Falkenhaimer does not explicitly disclose the program being activated through administrator action. Chang teaches that it is known that administrators are typically responsible for activating and managing services in a network server environment (Col. 1 lines 14-34).

It would have been obvious to one of ordinary skill in the art to have administrator action, such as taught by Chang, activate the program of Falkenhaimer. Using the known technique of administrator action for activating

services to provide the program activation required in Falkenhaimer would have been obvious to one of ordinary skill in the art.

Falkenhaimer does not explicitly disclose the processing the request further includes checking for mode enablement to determine if the requestor has permission to request the account and checking for an account limitation to determine if a maximum number of accounts created has been reached. Levergood teaches a process for improving access control in relation to account creation which includes determining if a requestor has permission to create an account (In Levergood: Col. 6 line 58 - Col. 7 line 14). Gold teaches a process for capacity management in relation to user accounts that determines if a maximum number of accounts have been created (In Gold [0050]).

Thus, it would have been obvious to one of ordinary skill in the art to apply the techniques of account creation permissions and determining if a maximum number of accounts has been reached as taught in Levergood and Gold respectively, to improve upon the account creation system of Falkenhaimer for the predictable result of providing additional access control and capacity management of system resources.

14. With respect to claim 11, Falkenhaimer further teaches a database for authenticating an account identifier (In Falkenhaimer: Col. 8 line 66 - Col. 9 line 14).

15. With respect to claim 12, Falkenhaimer further teaches wherein the program is coupled to the database (In Falkenhaimer: Col. 8 line 66 - Col. 9 line 14 and see Fig. 1).

Art Unit: 2455

16. With respect to claim 15, Salas teaches a network, comprising:

a first computer coupled to a network connector, the first computer being capable of requesting the creation of an account (Col. 8 line 50 - Col. 9 line 22: user can request to create an account, i.e. register);

a second computer coupled to the network connector; and a program residing in the second computer, wherein the program creates the account without further administrator action (Col. 8 line 50 - Col. 9 line 13 and Col. 14 lines 1-23: account can be created without administrator intervention); and

a network attached storage (NAS) device coupled to the connector, the NAS device being capable of storing the account (Col. 3 lines 5-20, Col. 8 line 50 - Col 9 line 13 and Fig. 1);

While it is generally implied that an administrator is responsible for initializing network services (Col. 1 lines 20-56), Falkenhaimer does not explicitly disclose the program being activated through administrator action. Chang teaches that it is known that administrators are typically responsible for activating and managing services in a network server environment (Col. 1 lines 14-34).

It would have been obvious to one of ordinary skill in the art to have administrator action, such as taught by Chang, activate the program of Falkenhaimer. Using the known technique of administrator action for activating services to provide the program activation required in Falkenhaimer would have been obvious to one of ordinary skill in the art.

Falkenhaimer does not explicitly disclose the processing the request further includes checking for mode enablement to determine if the requestor has

Art Unit: 2455

permission to request the account and checking for an account limitation to determine if a maximum number of accounts created has been reached. Levergood teaches a process for improving access control in relation to account creation which includes determining if a requestor has permission to create an account (In Levergood: Col. 6 line 58 - Col. 7 line 14). Gold teaches a process for capacity management in relation to user accounts that determines if a maximum number of accounts have been created (In Gold [0050]).

Thus, it would have been obvious to one of ordinary skill in the art to apply the techniques of account creation permissions and determining if a maximum number of accounts has been reached as taught in Levergood and Gold respectively, to improve upon the account creation system of Falkenhaimer for the predictable result of providing additional access control and capacity management of system resources.

17. With respect to claim 17, Falkenhaimer further teaches a database coupled to the network connector, the database capable of providing data to authenticate an account identifier (In Falkenhaimer: Col 8 line 66 - Col. 9 line 13 and see Fig. 1).

18. With respect to claim 18, Falkenhaimer further teaches wherein the network connector is capable of facilitating file sharing (In Falkenhaimer: Col. 2 lines 12-28).

19. With respect to claim 19, Falkenhaimer further teaches a directory in a directory structure (In Falkenhaimer: Col. 8 line 66 - Col. 9 line 13).

Art Unit: 2455

20. Claims 13, 14 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Falkenhaimer in view of Chang, Levergood and Gold (hereinafter Modified Falkenhaimer) as applied to claims 11 and 19 above, and further in view of U.S. Patent 5,734,831.

21. With respect to claim 13, while Modified Falkenhaimer teaches creating a directory as part of account creation processing (In Falkenhaimer: Col. 8 line 66 - Col. 9 line 13), Modified Falkenhaimer does not explicitly disclose a directory in a directory tree structure.

Sanders teaches the processing of an account creation request can included the creation of a directory tree structure (Col. 10 lines 13-32).

Because both Modified Falkenhaimer and Sanders teach methods for processing account creation requests, it would have been obvious to one of ordinary skill in the art at the time the invention was made to substitute one method for the other for the predictable result of processing an account creation request in order to create an account.

22. With respect to claim 14, Modified Falkenhaimer further teaches wherein the program initiates at least one process to create the directory (In Falkenhaimer: Col. 8 line 66 - Col. 9 line 13) (In Sanders: Col. 10 lines 1-32).

23. With respect to claim 20, while Modified Falkenhaimer teaches creating a directory as part of account creation processing (In Falkenhaimer: Col. 8 line 66 - Col. 9 line 13), Modified Falkenhaimer does not explicitly disclose a directory in a directory tree structure.

Art Unit: 2455

Sanders teaches the processing of an account creation request can included the creation of a directory tree structure (Col. 10 lines 13-32).

Because both Modified Falkenhaimer and Sanders teach methods for processing account creation requests, it would have been obvious to one of ordinary skill in the art at the time the invention was made to substitute one method for the other for the predictable result of processing an account creation request in order to create an account.

Response to Arguments

24. Applicant's arguments filed 11/18/04 have been fully considered but they are not persuasive.

25. On pages 7-8 of the remarks, applicant argues - "That is, predicted storage use is not the same as a maximum number of users, as different systems will predict different levels of storage use for the same amount of user accounts. Thus, allowing new user accounts based on predicted capacity, as in Gold, does not teach checking for an account limitation to determine if a maximum number of accounts created has been reached, as claimed by Applicant."

- a. Examiner's response - The claimed subject matter does not indicate the explicit parameters in determining the maximum number of accounts. While Gold uses a predicted storage growth in determining a maximum number, a maximum number of accounts is still determined.

The claims do not exclude the use of a predicted storage growth in determining the maximum number of accounts.

26. On page 9 of the remarks, applicant argues - "Further, claim 9 has been amended to define receiving the account request from a software agent (emphasis added). Falkenhaimer teaches a user requesting an account, as described previously, but there is not teaching in the prior art of a software agent originating the account request. Thus, present claim 9 is believed to be patentable."

b. Examiner's response - The examiner notes that "a software agent" is a generic limitation. In Falkenhaimer, the user requests an account through the use of software such as an internet browser and an http server (Col. 3 lines 5-20, Col. 8 line 50 - Col 9 line 13 and Col. 14 lines 1-23). As the claimed subject matter does not define any explicit functions or characteristics of the "software agent", the examiner considers the internet browser or http server as being sufficiently within the scope of the claimed "software agent".

27. On pages 9-10 of the remarks, applicant argues - "A hard drive or network server do not teach a NAS device couple to the connector and being able of storing the user account"

c. Examiner's response - Fig. 1 shows an object database and associated file server 20 and 12. The object database contains the

Art Unit: 2455

objects that store the user account information and that are linked to the file server (Col. 3 lines 5-20, Col. 8 line 50 - Col 9 line 13). The examiner considers this to be sufficiently within the scope of the claimed NAS device.

Conclusion

28. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **DAVID LAZARO** whose telephone number is (571)272-3986. The examiner can normally be reached on 8:30-5:00 M-F.

Art Unit: 2455

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on 571-272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/David Lazaro/
Primary Examiner, Art Unit 2455
February 2, 2009